



COMMUNITY DEVELOPMENT DEPARTMENT, BUILDING DIVISION

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7241 Fax (408) 779-7236

***REQUEST FOR DUPLICATION OF
OFFICIAL PLANS***

July 1, 2008

Health and Safety Code §19851 sets forth the conditions under which official plans may be duplicated and provided to a requesting party. To protect the professional's legitimate proprietary interest in his or her work, written permission of the certified, licensed or registered professional and the owner of the building is required before the plans may be released.

The Code requires the requesting party complete and sign the attached affidavit. Once the affidavit has been executed, the Building Department will send, via registered or certified mail, a written request for permission to duplicate the plans, together with the affidavit, to the most recent address of the licensed, registered or certified professional available from the California State Board of Architectural Examiners and to the original or current property owner at their last known address

If the professional fails to respond within thirty (30) days to the request to provide written permission to duplicate the plans, such failure to respond is deemed an unreasonable refusal to permit the duplication, unless the Building Department determines that the professional is unavailable to respond within thirty (30) days of receipt of the request due to serious illness, travel or other extenuating circumstances. In the case of extenuating circumstances as described above, the time to respond may be extended to a period not to exceed sixty (60) days. If the professional refuses to give permission after receiving the signed affidavit and written request, the refusal shall be deemed unreasonable.

The Code permits duplication of the plans to proceed thirty (30) days after the professional has been sent the required affidavit and written request, whether or not the professional objects. The Code also requires the building owner's permission. There is no automatic presumption that the withholding of permission by the owner is unreasonable as is the case with the professional. Refusal by an owner to permit duplication of official plans will be evaluated on a case-by-case basis to determine reasonableness.

The City Council may establish a fee in an amount reasonably necessary to cover the costs of the Building Department to be paid by any person requesting duplication of the official copy of plans.

HEALTH AND SAFETY CODE SECTION 19850-1 9853

19850. The building department of every city or county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the department issued a building permit.

“Building department” means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

Except for plans of a common interest development as defined in Section 1 351 of the Civil Code, plans need not be filed for:

- a) Single or multiple dwellings not more than two stories and basement in height.
- b) Garages and other structures appurtenant to buildings described under subdivision (a).
- c) Farm or ranch buildings.
- d) Any one-story building where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however, apply to a steel frame or concrete building.

19851.

- a) The official copy of the plans maintained by the building department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the building department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court or upon the request of any state agency.
- b) Any building department of a city or county, which is requested to duplicate the official copy of the plans maintained by the building department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the building or (2), if the building is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.
- c) The building department shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the plans, which contains provisions stating all of the following:
 - 1) That the copy of the plans shall only be used for the maintenance, operation, and use of the building.
 - 2) That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
 - 3) That subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be

responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

- d) The request by the building department to a licensed, registered, or certified professional may be made by the building department sending a registered or certified letter to the licensed, registered, or certified professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered or certified letter, a copy of the affidavit furnished by the building department which has been completed and signed by the person requesting to duplicate the official copy of the plans. The registered or certified letters shall be sent by the building department to the most recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners.
- e) The governing body of the city or county may establish a fee to be paid by any person who requests the building department of the city or county to duplicate the official copy of any plans pursuant to this section, in an amount which it determines is reasonably necessary to cover the costs of the building department pursuant to this section.
- f) The certified, licensed, or registered professionals refusal to permit the duplication of the plans is unreasonable if, upon request from the building department, the professional does either of the following:
 - 1) Fails to respond to the local building department within 30 days of receipt by the professional of the request. However, if the building department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the building department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.
 - 2) Refuses to give his or her permission for the duplication of the plans after receiving the signed affidavit and registered or certified letter specified in subdivisions (c) and (d).

19852. The governing body of a county or city, including a charter city, may prescribe such fees as will pay the expenses incurred by the building department of such city or county in maintaining the official copy of the plans of buildings for which it has issued a building permit, but the fees shall not exceed the amount reasonably required by the building department in maintaining the official copy of the plans of buildings for which it has issued a building permit.

The fees shall be imposed pursuant to Section 6601 6 of the Government Code.

19853. This chapter shall not apply to any building containing a bank, other financial institution, or public utility.



Community Development Department
17555 Peak Ave
Morgan Hill, CA 95037-4128
Planning: (408)779-7241
Building: (408)779-7241
Fax: (408)779-7236
www.morganhill.ca.gov

AFFIDAVIT REQUESTING DUPLICATE OF OFFICIAL PLANS

I, _____ hereby request a duplicate of the official plans for
(Applicant's Name. Please Print)

(Address)
that are on file at the Building Division.

1. The copy of the plans shall only be used for the maintenance, operation, and use of the building.
2. Drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
3. The licensed architect who signed the plans, specifications, reports, or documents shall not be held responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage, per Section 5536.25 (a) of the Business and Professions Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant

Date

CITY OF MORGAN HILL

PUBLIC RECORDS/INFORMATION REQUEST

| | |
|--------------------------|---------------|
| DATE: | PHONE: |
| NAME: | FAX: |
| ADDRESS: _____ | EMAIL: |

INFORMATION NEEDED: For each record, describe type, date, subject, title, etc. *Please be very specific.*

YOUR REQUEST WILL BE PROCESSED IN COMPLIANCE WITH THE PUBLIC RECORDS ACT.

California Government Code Section 6253. Right to copy of identifiable public records; Time limits "Any person may receive a copy of any identifiable public record or copy thereof. Upon request, an exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the agency. Each agency, upon any request for a copy of records shall determine within 10 days after the receipt of such request whether to comply with the request and shall immediately notify the person making the request of such determination and the reasons therefor.

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| Cost for copies: (4 cents per page) (Video tape: \$2.42, plus any mailing cost) Amount: \$_____ (To be determined) Payment received: ____ check ____ cash | Copies provided via: ____ Mail ____ Fax ____ Email WILL CALL BOX Deadline for Pick Up: _____ |
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Request Completed by:
Staff Name: _____ **Department:** _____ **Date:** _____

Notes:

**THANK YOU FOR YOUR INTEREST IN OUR CITY'S RECORDS.
YOU WILL BE CONTACTED WHEN THE INFORMATION IS READY.**